THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22872 OF 2005

25.10.2005

Between:

Mr.Naval Kumar Sharma, S/o.Bihari Lal, Chandrayanagutta,

Hyderabad.

… Petitioner.

AND

1. Union of India, represented by the Secretary to Government,

Department of Revenue, Ministry of Finance and Company Affairs,

New Delhi.

And others

… Respondents.

ORDER:

The petitioner assails the notice dated 05.10.2005 issued by the Special Director of Enforcement, Foreign Exchange Management Department, Government of India, the fourth respondent, informing the petitioner that enquiry is scheduled on 25.10.2005 against the petitioner with regard to adjudication proceedings in respect of Memo No.T-4/4-M/ 95 (SCN) dated 23.2.1995. Various contentions are raised in assailing the said notice, which is in the nature of a show cause notice. But, as held by the Supreme Court in **Special Director v. Mohd Ghulam Ghouse**, a writ petition against such a show cause notice is not maintainable. Indeed the facts in the said case before the Supreme Court and in this case are almost similar. Therefore, this Court is not inclined to admit the writ petition.

The learned Counsel for the petitioner, however, submits that in the memorandum dated 23.2.1995, though the petitioner was advised for inspection of the documents, which will be made available at the office of the fourth respondent, by him or his duly authorized representative, he was denied the same. If that be the case, the petitioner may again approach the fourth respondent for inspection of the documents, in which event, as advised in the memo dated 23.2.1995, the petitioner may be permitted to inspect the documents.

The writ petition, with the above observations, is dismissed. No costs.

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October 25, 2005. (**V.V.S.RAO,J**)

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